

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVIDSON CHUKWUKA,

Plaintiff,

- against -

CITY OF NEW YORK, NEW YORK CITY HUMAN  
RESOURCES ADMINISTRATION, and RICHARD  
BECK, DIRECTOR OF BUREAU OF  
RECONCILIATION AND CONTROL, NEW YORK  
CITY HUMAN RESOURCES ADMINISTRATION  
FINANCE OFFICE and SHERRY BERKOWITZ,

Defendants.

**DEFENDANTS' NOTICE OF  
SUPPLEMENTAL MOTION  
FOR SUMMARY  
JUDGMENT ON  
PLAINTIFFS' CLAIMS  
UNDER ERISA AND HIS  
CLAIMS OF EMPLOYMENT  
FRAUD AND  
CONSTRUCTIVE  
DISCHARGE**

05 Civ. 4331 (MGC)

**PLEASE TAKE NOTICE** that upon defendants' Rule 56.1 Statement in Support

of their Motion for Summary Judgment, dated May 18, 2011, the Declaration of Isaac Klepfish, May 18, 2011 and the exhibits annexed thereto, the Declaration of Erin Andrews, dated April 29, 2011 (annexed to the Klepfish Declaration as Exhibit "C"), and the Supplemental Memorandum of Law in Support of Defendants' Supplemental Motion for Summary Judgment and upon all prior pleadings and proceedings, defendants will move this Court on June 23, 2011 at 9:30 a.m. before the Honorable Miriam Goldman Cedarbaum, United States District Judge for the Southern District of New York, in Courtroom 14A at the United States District Courthouse located at 500 Pearl Street, New York, New York pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment on plaintiff's claims under ERISA and his claims of employment fraud and constructive discharge and dismissing the complaint against defendants in its entirety, together with such other and further relief the Court deems just and proper.

Pursuant to the Individual Practices of this Court, answering papers must be received by all parties by noon on Wednesday of the week before the return date, i.e., June 15, 2011. Reply papers, if any, must be received by all parties by noon on Tuesday of the week of the return date, i.e., June 21, 2011.

Dated: New York, New York  
May 18, 2011

MICHAEL A. CARDOZO  
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City of New York  
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By:

  
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TO: NNEBE & ASSOCIATES, P.C.  
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**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York*

*Attorney for Defendants*

*100 Church Street*

*New York, N.Y. 10007*

*Of Counsel: Isaac Klepfish*

*Tel: (212) 788-0897*

*NYCLIS No.*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 200 ..*

*Esq.*

*Attorney for .....*